

CITY OF SAN JOSE
&
THE INTERNATIONAL UNION OF OPERATING ENGINEERS,
Local No. 3

2011 CONTRACT NEGOTIATIONS GROUND RULES

GENERAL PROCESS

1. The parties agree that the bargaining process on hours, wages and working conditions is separate and distinct from current negotiations on pension and retiree healthcare benefits. Agreement or impasse in either the retirement negotiations coalition process or any other coalition or this individual negotiation process will have no affect on the other negotiations.
2. Each party shall designate a chief spokesperson(s) that shall have the authority to negotiate and enter into tentative agreements on behalf of their respective constituents.
3. Each party shall have permanent negotiating team members. However, the parties may change team members during the negotiation process upon advance notice, at least 24 hours prior to the session, to the other party.
4. The parties agree that prior to another person being present at the negotiation sessions, other than the City's negotiating team and the Unions' negotiating team, they will give the other side at least twenty-four (24) hours notice, including the name of the other person and topic(s) they will be present for during the negotiation session.
5. Either party may caucus at any time, with the understanding that the caucus time is reasonable and provides an estimated conclusion time.
6. There is no implied commitment by any party when brainstorming during negotiation sessions. All proposals and counter proposals shall be submitted in writing.
7. Any Tentative Agreement must be in writing and signed by the designated representative(s) for the City and the Union. Nothing that is not in writing and signed by the designated representative(s) for the City and the Union will be construed as part of any Tentative Agreement.
8. The parties may enter into a Tentative Agreement at any time. A Tentative Agreement, including any tentative agreements reached during the negotiations on individual issues, is subject to ratification by the Union's membership and approval of the City Council in open session. The City's negotiating team agrees that it will make good faith efforts when recommending a Tentative Agreement to the City Manager and the City Council, and the Union agrees that they will make good faith efforts when recommending a Tentative Agreement to the union membership.

RELEASE TIME

9. The City will authorize release time from regular duties for up to three (3) representatives to participate in the negotiation sessions. Representatives shall use the City Paid Union Release Time (URT) payroll code for any paid time off authorized by the City in the negotiation process. Representatives shall not receive compensation for sessions that may occur outside their regular working hours.

IMPASSE PROCEDURES

10. Pursuant to the City's Employer-Employee Relations Resolution (#39367), impasse procedures may be invoked by either party in person or in writing after a bona fide effort has been made to meet and confer in good faith and such efforts fail to result in agreement.
11. The impasse procedures shall be those specified in Section 23 of Resolution #39367. Please see attached.

FOR THE CITY

FOR OE#3
